

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	No. 15 CR 098 RLW
)	
ARBERDELLA HURD)	
)	
Defendant.)	

UNCONTESTED MOTION TO VACATE SENTENCE PURSUANT TO 28 USC 2255

COMES NOW defendant ARBERDELLA HURD, through her attorney, Diane L. Dragan, Assistant Federal Public Defender, and requests the conviction and sentence in this matter be vacated as the conviction violates the laws of the United States and the sentence exceeds the maximum authorized by law. Ms. Hurd entered a plea on June 9, 2015 to one count of violating 18 U.S.C. 1028(a)(6). The punishment for this offense was incorrectly imposed under 18 U.S.C. 1028(b)(2) which lists the offense as a felony and includes a punishment of up to 5 years imprisonment and a fine. The offense Ms. Hurd committed is actually to be punished under 18 U.S.C. 1028(b)(6). The offense is a misdemeanor, not a felony offense. As such, it carries a maximum sentence of 1 year in prison, a maximum term of supervised release of 1 year and a special assessment of \$25.00.

Ms. Hurd's sentence of time served, 2 years of Supervised Release and a Special Assessment of \$100.00 is contrary to law. The government consents to the request to withdraw the conviction and sentence in this case. Upon withdrawing the conviction, Ms. Hurd will enter a plea to a superseding Information and be resentenced accordingly.

Respectfully submitted,

/s/Diane L. Dragan
DIANE L. DRAGAN
Assistant Federal Public Defender
1010 Market Street, Suite 200
St. Louis, Missouri 63101
Telephone: (314) 241-1255
Fax: (314) 421-3177
E-mail: Diane_Dragan@fd.org

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2016, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Jennifer Roy, Assistant United States Attorney.

/s/Diane L. Dragan
DIANE L. DRAGAN
Assistant Federal Public Defender